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09/942,215	08/30/2001	Nobutoshi Sagawa	500.40572X00	6932

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EXAMINER

SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/942,215

Applicant(s)

SAGAWA, NOBUTOSHI

Examiner

Kristie Shingles

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/30/01</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

*Claims 1-12 are pending.*

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. JP 2001-028231 filed on 2/05/2001.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 8/30/2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the Office. An initialed and dated copy of Applicant's IDS form 1449, is attached to the instant Office action.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 410-415, 430, 506, 515, 520, 521, 611, 612, 720, 907-915, 1005-1007, 1207, 1304, 1305, 1406, 1413, 1506, 1507, 1601, 610, 1626, 1901, 1902, 1903, 1906, 2101, 2105-2107, 2110 and 2111. Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior

Art Unit: 2141

version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 101 Utility***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claim 11** is rejected under 35 U.S.C. 101 because the claimed invention is not supported by statutory subject matter. The claim is drawn to "A program..." per se, and is non-statutory unless implemented on a computer-readable medium.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims **1-5 and 8-11** are rejected under 35 U.S.C. 102(e) as being anticipated by *Henson et al* (USPN 6,378,051).

Art Unit: 2141

a. **Per claim 3, *Henson et al* teach a transaction processing system capable of providing one or more services and connecting one or more clients to each service the system provides, comprising:**

- **means for storing priority conditions defined according to the services provided (Abstract and col.3 lines 11-20; buffer memory and priority queue);**
- **queuing means for storing processing requests sent from the clients for the services provided while putting the respective services into a particular order (Abstract and col.3 lines 15-20; priority queue);**
- **means for obtaining waiting conditions of the stored process requests from said queuing means (col.5 lines 8-14 and col.6 lines 13-17; provision for “servo time” interval during which user data is not transferred); and**
- **means of execution prioritization for deciding execution priorities to the processing requests input from the clients to said transaction processing system by referring to the priority conditions held or stored in said priority condition storing means and waiting conditions obtained, such that processing is carried out according to the decided priorities (Abstract, col.3 lines 11-38, col.6 lines 13-17 and col.8 lines 50-67; data execution is sequentially processed according to its priority in the queue and the servo time during which an interrupt may occur).**

b. **Claims 1, 8 and 11 are substantially equivalent to claim 3 and are therefore rejected under the same basis.**

c. **Per claim 2, *Henson et al* teach the system according to claim 1, wherein said means of execution prioritization gives higher priorities to processing requests for services the priority conditions of which are defined high in priority (col.3 lines 15-26; provision for highest priority assessment and assignment).**

d. **Per claim 4, *Henson et al* teach the system according to claim 3, wherein said means for obtaining waiting conditions obtains: the number of processing requests that have been kept waiting in said queuing means; and the time of arrival of each processing request that**

Art Unit: 2141

has been kept waiting in said queuing means (**col.5 lines 41-60, col.6 lines 13-17, col.7 lines 45-60, col.8 lines 12-67 and col.9 lines 34-38; provision for “servo interrupt time” indicates the amount of time the servo interrupt will be asserted and have access to the buffer memory while the other data requests wait in the queue).**

e. **Per claim 5, *Henson et al* teach the system according to claim 4, wherein said means of execution prioritization decides the execution priority by comparing allowable waiting time defined for each provided service with the time of arrival of the processing request concerned obtained by said means for obtaining waiting conditions (col.5 lines 51-55, col.7 lines 45-col.8 line 35 and col.9 lines 1-22; provision for timer and assignment of priority rank, i.e. highest priority).**

f. **Per claim 9, *Henson et al* teach the system according to claim 8, wherein said process allocating means increases the number of processes to be allocated as processing requests stored in said queuing means increases, and reduces the number of processes to be allocated as processing requests stored in said queuing means decreases (col.3 lines 20-38 and col.8 line 39-col.9 line 22; data requests increase the queue size for allocating access to an increased portion of the shared memory and as the requests are processed the queue size is decreased and the each client sequentially gains a higher priority access to the memory).**

g. **Per claim 10, *Henson et al* teach the system according to claim 8, wherein said process allocating means allocates processes according to the priority to be given to the service (col.3 lines 15-26 and col.9 lines 1-30; an arbitration cycle in the state machine sequentially service access requests pending within the queue and each client sequentially gains highest**

Art Unit: 2141

priority although the servo interrupt elevates the priority of any pending microprocessor requests).

8. Claims 6, 7 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by *Cochran et al* (USPN 6,701,324).

a. Per claim 6, *Cochran et al* teach a transaction processing system capable of providing one or more services and connecting one or more clients to each service the system provides, comprising:

- means for storing an identifier or identifiers of one or more execution modules constituting each service (col.5 lines 39-59, col.7 lines 53-64 and col.9 lines 17-32; provision for identifiers);
- storage means for storing the execution module or modules (col.5 line 39-col.6 line 9, col.7 lines 28-36 and col.8 lines 35-40; storing in the collector); and
- means for managing an update of each execution module on the basis of the identifier (col.5 line 51-col.6 line 33 and col.8 lines 41-55; collector includes a scheduler and manages adjustments to the schedule and time window),
- wherein when the execution module is updated by said update managing means, the updated execution module is placed to the storage means prior to starting the transaction corresponding to the service (col.3 lines 53-67, col.5 lines 39-46 and col.10 line 33-52; adjustments made to the schedule propagate throughout the collector for storage).

b. Claim 12 is substantially similar to claim 6 and is therefore rejected under the same basis.

c. Per claim 7, *Cochran et al* teach the system according to claim 6, wherein said update managing means exclusively performs an update of one or more execution modules for each service and detection of the update of the execution modules (Abstract and col.2 lines 42-60).

Art Unit: 2141

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. *Deutsch et al* (USPN 6,724,885) disclose an automatic call distribution center with queue position restoration for call-back customers.
- b. *Singer et al* (USPN 6,324,625) disclose rotating rationed buffer refresh.
- c. *Blott et al* (USPN 6,681,230) disclose a real-time event processing system with service authoring environment.
- d. *Mital* (USPN 5,594,905) exception handler and method for handling interrupts.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles  
Examiner  
Art Unit 2141

kds

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER